

Remarks:

Applicants have read and considered the Office Action date March 7, 2005 and the references cited therein. Applicants note that the claims that were submitted in the Amendment dated May 27, 2004 were not considered. As such, the amendments that were made to the claims in that Amendment, are now being made again in the present response.

Information Disclosure Statements

In the Office Action, the Examiner indicates that he does not have copies of the following references that were included in the IDS filed on December 31, 2003:

- European Search Report dated 28.07.03
- Search Report entitled "Remote Control systems for Locomotives: Review of Technical and Trade Literature, 1980 Forward" Compiled by Information Works Inc. for Laurie Mitchel, CANAC Inc. May 20, 2003, p. 1-110, bibliography

In response, Applicants respectfully submit that copies of these references are being re-submitted for the Examiner's review. The Examiner is respectfully requested to review these references and provide Applicants with an initialed copy of the Form 1449 filed on December 31, 2003.

In addition, the Examiner indicates that he has only received the front pages, and not the full copies of the following references that were submitted with the Form 1449 filed on July 2, 2004:

- Declaration of Folkert Horst dated June 18, 2004,
- Theimeg facsimile dated March 21, 2004, and
- Theimeg facsimile dated April 30, 1993

In response, Applicants respectfully submit that full copies of these references are being re-submitted for review. The Examiner is respectfully requested to review these references and provide Applicants with an initialed copy of the Form 1449 dated July 2, 2004.

Summary of the Amendments

The present application now contains 98 claims.

Claims 31-33, 44-47, 54-57, 62-65, 70-73, 75, 76, 79-81, 86-88, 91, 92, 95-97, 99, 105, 110, 116, 117, 121, 133, 137 and 146-155 are unchanged.

Claims 1-29, 34-42 and 48-52 were previously cancelled.

Claims 30, 43, 53, 59, 60, 61, 67-69, 74, 77, 78, 82, 83, 85, 89, 90, 93, 94, 98, 104, 106, 107-109, 112-115, 119, 120, 122-124, 127, 129, 130-132, 135 and 145 have been amended in order to better define the subject matter claimed. It is not believed that a new search is required in light of these amendments.

New claims 159-164 have been added to the present application. Applicants respectfully submit that support for new claims 159-164 exists in the application as filed and that no new matter has been added to the present application.

Claims 58, 66, 111, 118, 125, 126, 128, 134, 136, 138-144 and 156-158 have been cancelled in the present response. Applicants reserve the right to pursue protection for these claims in a separate application.

Allowable subject matter

Applicants gratefully acknowledge the Examiner's allowance of claims 30-33, 43-46, 53-83, 85-99, 104-137 and 145-155, as indicated on page 6 of the Office Action.

Although minor amendments have been made to certain of these claims in the present

response, Applicants respectfully submit that these amendments should not affect the allowability of these claims.

Summary of Rejection and Reply

In the Office Action, claims 138-144 and 156-158 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,729,210 (hereafter to be referred to as Kiriama) in view of Sklar "Digital Communications Fundamentals and Applications".

Applicants respectfully submit that claims 138-144 and 156-158 have been cancelled from the present application, thereby rendering the Examiner's rejection moot.

CONCLUSION

In view of the above, it is respectfully submitted that claims 30-33, 43-47, 53-57, 59-65, 67-83, 85-99, 104-110, 112-117, 119-124, 127, 129-133, 135, 137, 145-155 and 159-164 are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of claims 30-33, 43-47, 53-57, 59-65, 67-83, 85-99, 104-110, 112-117, 119-124, 127, 129-133, 135, 137, 145-155 and 159-164 at an early date is hereby solicited.

If the claims of the application are not considered to be in full condition for allowance, for any reason, Applicants respectfully request the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims or in making constructive suggestions so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings. If the Examiner feels that a telephone interview would be helpful in this matter, please contact Applicants' Representative at (612) 336-4728.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: _____

9/7/05

By: _____

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GAS/krm